

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OSVALDO SANCHEZ,)	
Plaintiff,)	
)	
v.)	C.A. No. 3:11-cv-30270-MAP
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security Administration,)	
Defendant.)	

**DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT
FOR LACK OF SUBJECT MATTER JURISDICTION**

Defendant, the Commissioner of Social Security ("the Commissioner"), moves this Honorable Court to enter an order of dismissal for lack of subject matter jurisdiction. Plaintiff seeks judicial review of the Commissioner's denial of his applications for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI"). This Court's jurisdiction over this matter exists only to the extent provided under section 205(g) of the Social Security Act ("the Act"). 42 U.S.C. § 405(g) (2006). Because Plaintiff failed to file his complaint within the sixty-day time limitation specified in section 205(g) of the Act, this Court should dismiss Plaintiff's untimely complaint for lack of subject matter jurisdiction. 42 U.S.C. § 405(g).

Respectfully submitted,

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration

By His Attorneys

CARMEN M. ORTIZ
United States Attorney

By: /s/ Karen L. Goodwin
KAREN L. GOODWIN
Assistant U.S. Attorney

*ALLOWED. The failure of Plaintiff to file a
timely complaint is fatal to his claim.
So ordered. Michael D. Ponsor WNT 6-25-12*